

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

13-50 RIVER ROAD CORP. d/b/a EMPRESS  
DINER,

*Plaintiff,*

v.

ANSAM COMMERCIAL KITCHEN AND  
VENTILATION SPECIALISTS, INC.,

*Defendant.*

Civil Action No. 16-710-JMV-JBC

**ORDER**

**John Michael Vazquez, U.S.D.J.**

**THIS MATTER** comes before the Court by way of the unopposed Motion for Preliminary Approval of Class Action Settlement and Notice to the Class filed by Plaintiff 13-50 River Road Corp. d/b/a Empress Diner. D.E. 53. The Court reviewed Plaintiff's submissions but requires additional information before deciding the pending motion. Therefore, for good cause shown,

**IT IS** on the 2nd day of January, 2019,

**ORDERED** that within fourteen (14) days from the date of this Order, Plaintiff must address the following information in a written submission filed on the docket, and provide the Court with a revised Notice to the Class and redlined version of the Notice that shows all changes:

- (1) Describe the experience and ability of the proposed Settlement Administrator, substantiating Plaintiff's representations regarding the Settlement Administrator's ability to perform the role;
- (2) Provide the estimated costs and expenses of the Settlement Administrator;

- (3) Explain why a copy of the Complaint and Settlement Agreement will not be made available through the Settlement Administrator for potential class members to review;
- (4) Because the settlement Administrator is apparently a web-based organization, explain whether information concerning the action and the settlement will be made available to proposed class members on-line;
- (5) Explain, with legal authority, the propriety of the proposed reverter of unclaimed settlement funds to Defendant's insurer; and
- (6) As to the proposed class notice:
  - (a) Ensure that all typographical errors and grammatical mistakes are corrected (for example, on the first page directly below the caption, "OFCLASS" should be "OF CLASS");
  - (b) Change the address of the Court to the correct location, that is, Courtroom 3, Lautenberg Post Office & U.S. Courthouse, 2 Federal Square, Newark, NJ 07101;
  - (c) Indicate that class members may retain counsel, at their own cost, if they choose to do so;
  - (d) Indicate that class members who file an objection may appear at the fairness hearing but that they do not have to do so. The Court will rule on any objections at that fairness hearing, whether the persons objecting are present or not;
  - (e) Indicate that any objections must include the case name and docket number;
  - (f) If the Complaint and Settlement Agreement will be made available for review through the Settlement Administrator, the notice should so indicate.

Similarly, if information will be available on-line, the notice should so indicate;

- (g) If the Fairness Hearing is adjourned or rescheduled, class members should be able to call the Settlement Administrator to learn of the new date. Preferably, information about any date changes should be made available to potential class members on-line; and
- (h) The Notice must include the estimated costs and expenses of the Settlement Administrator.

/s/ John Michael Vazquez  
**John Michael Vazquez, U.S.D.J.**